

0-0

0-0

0-0

2

• •

•

1

0-0

Parties and Jurisdiction

- 1 -

5. In compliance with SDCL Ch. 1-26, the Board has jurisdiction and authority over this matter pursuant to SDCL §§ 36-9-1.1.

Facts

6. Licensee is licensed as a Registered Nurse in the State of South Dakota and was previously licensed as a registered nurse in multiple other states, including Minnesota, Washington, Nevada, Ohio, Vermont, Oregon, Alabama, Massachusetts and Texas.

7. On June 4, 2020, the Minnesota Board of Nursing mandated Licensee to participate in Minnesota's version of the Health Professionals Assistance Program. The Board also entered a Stayed Suspension that would be lifted in the event Licensee did not comply with the mandated program.

8. On February 4, 2021, the Minnesota Board of Nursing suspended Licensee's license for her failure to comply with the mandated program.

9. Licensee's license has since been suspended in Washington, Nevada, Ohio, Vermont, Wyoming, Oregon, Alabaman, Massachusetts and Texas.

10. On September 15, 2021, the Massachusetts Board of Nursing revoked Licensee's Massachusetts license indefinitely.

11. On July 1, 2021, the Washington Board of Nursing suspended Licensee's Washington license.

12. On March 24, 2021, the Nevada Board of Nursing accepted Licensee's voluntary surrender of her Nevada license.

13. On March 18, 2021, the Ohio Board of Nursing suspended Licensee's Ohio license.

14. On February 9, 2021, the Vermont Board of Nursing suspended Licensee's Vermont license.
15. On January 8, 2021, the Wyoming Board of Nursing suspended Licensee's Wyoming license.
16. On October 7, 2020, the Oregon Board of Nursing suspended Licensee's Oregon license.
17. On September 29, 2020, the Alabama Board of Nursing suspended Licensee's Alabama license.
18. On September 24, 2020, the Texas Board of Nursing suspended Licensee's Texas license.

Ground for Discipline or Corrective Action

SDCL § 36-9-49

19. Pursuant to SDCL § 36-9-69, it shall be necessary to prove in any prosecution for any violation of this chapter only a single act prohibited by law or a single holding out or an attempt without proving a general course of conduct in order to constitute a violation.
20. Licensee committed an alcohol or drug related act that interferes with the ability to practice nursing safely in violation of SDCL § 36-9-49(4).
21. Based upon the above facts, Licensee had her license to practice as a registered nurse suspended in another state in violation of SDCL § 36-9-49 (6).

Demand for Relief

WHEREFORE, the undersigned attorney for the South Dakota Board of Nursing prays that the Board enter its Findings of Fact, Conclusions of Law, and Order:

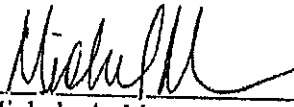
A. Granting such disciplinary and corrective action the Board deems just and appropriate to protect the citizens of this State from Licensee's unauthorized, unqualified and/or improper nursing practices;

B. Ordering Licensee pay the Board for its actual expenses associated with this contested case proceeding pursuant to SDCL § 1-26-29.1; and

C. Granting such other and further relief as the Board deems just and proper in the premises.

Dated this 29th day of October, 2021.

WOODS, FULLER, SHULTZ & SMITH P.C.

By: 
Michele A. Munson
300 South Phillips Avenue, Suite 300
P.O. Box 5027
Sioux Falls, South Dakota 57117-5027
(605)336-3890
Attorneys for South Dakota Board of Nursing

SOUTH DAKOTA BOARD OF NURSING

0-0

IN THE MATTER OF THE LICENSURE :
PROCEEDINGS :

RE: ALLISON KRAWZA, RN :

License No. R051123 :

DOH 21-17

NOTICE OF HEARING

0-0

The South Dakota Board of Nursing ("Board"), pursuant to SDCL § 36-1C-7, issued a Complaint against Allison Krawza, RN, license number R051123 ("Licensee") on October 29, 2021.

Pursuant to SDCL § 36-1C-9, this Notice of Hearing, complying with SDCL § 1-26-17, is being served upon Licensee no less than 20 calendar days before the date set by the Board for the formal hearing on the Complaint.

Pursuant to SDCL § 1-26-17, please take notice that:

1. The formal hearing on the Complaint will take place either via Zoom or before the Board at the South Dakota Board of Nursing located at 4305 S. Louise Avenue, Suite 201, Sioux Falls, SD 57106-3115 on February 9, 2021, starting at 9:00 a.m., or as soon thereafter as the Board is available. If the hearing is held via Zoom, further instructions on Zoom appearance will be provided at a later time.
2. The Board has jurisdiction over these proceedings pursuant to SDCL § 36-9-1.1, which states it is the responsibility of the State to safeguard life, health and the public welfare, and to protect citizens from unauthorized, unqualified and improper application of nursing

education programs and nursing practices. To achieve this responsibility, "regulatory authority shall be vested in the South Dakota Board of Nursing."

3. The legal authority for these proceedings includes statutes SDCL §§ 36-9; SDCL 36-1C; and South Dakota's Administrative Procedures Act, SDCL 1-26.

4. Specifically, the hearing will address the Board's assertion as set forth in the Complaint that the Licensee violated SDCL § 36-9-49 (4) and (6) in that Licensee has committed an alcohol or drug related act that interferes with the ability to practice nursing safely or had her license to practice suspended in another state. The allegations in the Complaint are incorporated herein by reference.

5. At the hearing, the Board will determine what action shall be taken on Licensee's license, which can include up to and including, a letter of reprimand, probation, mandatory participation in the South Dakota Health Professionals Assistance Program (SD HPAP), revocation, suspension, annulment, withdrawal, or other disciplinary or corrective action as determined appropriate by the Board to fulfill its responsibilities under SDCL § 36-9-1.1.

6. This is an adversarial proceeding under SDCL Ch. 1-26. Licensee has a right to a contested hearing pursuant to SDCL Ch. 1-26 regarding this matter and that such rights under SDCL Ch. 1-26 include, but are not limited to, the right to a contested hearing before the Board, the right to be present at the contested case hearing, the right to be represented by legal counsel, to introduce evidence and testimony on her behalf, to call witnesses, to cross examine witnesses, and to inspect all documentary evidence submitted to the Board. These due process rights will be forfeited if they are not exercised at the hearing.

7. The Board has requested the presence of an Administrative Law Judge from the Office of Hearing Examiners to preside over this proceeding.

8. The decision issued by the Board after the hearing may be appealed to the South Dakota Circuit Court and the South Dakota Supreme Court, as provided by law.

Dated this 19th day of November, 2021.

WOODS, FULLER, SHULTZ & SMITH P.C.

By /s/Michele A. Munson

Michele A. Munson

300 South Phillips Avenue, Suite 300

P.O. Box 5027

Sioux Falls, South Dakota 57117-5027

(605)336-3890

Attorneys for South Dakota Board of Nursing